

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10 SP-02

AID-05 EB-07 NSC-05 CIEP-02 TRSE-00 SS-15 STR-04

OMB-01 CEA-01 FTC-01 JUSE-00 OIC-02 IGA-01 COME-00

CIAE-00 INR-07 NSAE-00 PA-02 USIA-15 PRS-01 L-03 H-02

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TO SECSTATE WASHDC 3000

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TAGS: UNGA, EGEN

SUBJ: 30TH UNGA--AGENDA ITEM 12, TRANSNATIONAL CORPORATIONS

REF: (A) USUN 4709; (B) USUN 4803; (C) STATE 243872

1. TRANSMITTED BELOW IS THE TEXT OF A DRAFT RES ON CORRUPT PRACTICES OF TRANSNATIONAL AND OTHER CORPORATIONS. OUR UNDERSTANDING, NOT REPEAT NOT CONFIRMED, IS THAT THIS IS AN EGYPTIAN DRAFT AND WILL REPLACE THE RESES PRESENTED EARLIER BY IRAN AND LIBYA. (EGYPT REP IS VICE CHAIRMAN OF 2ND CMTE AND IN CHARGE OF CONSULTATIONS THIS ISSUE.) MISSION PLANS TO CONSULT WITH IRAN AND OTHERS TOMORROW USING OUR PROPOSED DRAFT IN AN ATTEMPT TO NEGOTIATE AN ACCEPTABLE TEXT. IN THE MEANTIME, WE WOULD APPRECIATE DEPT'S COMMENTS ON CLEANING UP THIS LATEST DRAFT.

QUOTE:

ITEM 12 DRAFT RESOLUTION

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MEASURES AGAINST CORRUPT PRACTICES OF TRANSNATIONAL AND OTHER

CORPORATIONS AND THEIR INTERMEDIARIES;

THE GENERAL ASSEMBLY,

CONCERNED BY THE CORRUPT PRACTICES OF CERTAIN TRANSNATIONAL
AND OTHER CORPORATIONS AND THEIR INTERMEDIARIES;

RECALLING PARAGRAPH 4(G) OF THE DECLARATION ON THE ESTABLISHMENT
OF A NEW INTERNATIONAL ECONOMIC ORDER WHICH PROVIDES FOR
REGULATION AND SUPERVISION OF THE ACTIVITIES OF TRANSNATIONAL
CORPORATIONS;

RECALLING ALSO THE PROVISIONS OF CHAPTER V OF THE PROGRAMME
OF ACTION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC
ORDER EMPHASIZING INTER-ALIA THE NEED TO FORMULATE,
ADOPT AND IMPLEMENT A CODE OF CONDUCT FOR TRANSNATIONAL
CORPORATIONS;

RE-AFFIRMING THE PROVISIONS OF THE CHARTER OF ECONOMIC
RIGHTS AND DUTIES OF STATES ACCORDING TO WHICH SUCH CORPORATIONS
SHOULD NOT OPERATE IN A MANNER THAT VIOLATES THE LAWS
AND REGULATIONS OF THE HOST COUNTRIES;

RECALLING THE ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1721
(LIII) DATED JULY 28TH, 1972, 1908 (LVII) DATED AUGUST 2ND,
1974, AND 1913 (LVII) DATED DECEMBER 5TH, 1974;

RECALLING THE REPORT OF THE U.N. COMMISSION ON TRANSNATIONAL
CORPORATIONS ON ITS FIRST SESSION, DOCUMENT (E/5655):

1. CONDEMNS ALL CORRUPT PRACTICES INCLUDING BRIBERY BY
TRANSNATIONAL AND OTHER CORPORATIONS AND THEIR INTERMEDIARIES
IN VIOLATION OF THE LAWS, REGULATIONS AND MORAL VALUES
OF THE HOST COUNTRIES;

2. RE-AFFIRMS THE RIGHT OF ANY STATE TO INVESTIAGE
AND TAKE LEGAL ACTION, IN ACCORDANCE WITH ITS NATIONAL LAWS
AND REGULATIONS, AGAINST TRANSNATIONAL AND OTHER CORPORATIONS
AND THEIR INTERMEDIARIES FOR SUCH CORRUPT PRACTICES;

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3. CALLS UPON BOTH HOME AND HOST GOVERNMENTS TO TAKE ALL NECESSARY
MEASURES WHICH THEY DEEM APPROPRIATE, INCLUDING LEGISLATIVE
MEASURES TO PREVENT SUCH CORRUPT PRACTICES AND TO TAKE CON-
SEQUENT MEASURES AGAINST THE VIOLATORS;

4. CALLS UPON GOVERNMENTS TO COLLECT INFORMATION ON SUCH
PRACTICES AND TO EXCHANGE THE INFORMATION BILATERALLY
AND MULTILATERALLY PARTICULARLY THROUGH THE UN INFORMATION

AND RESEARCH CENTER ON TRANSNATIONAL CORPORATIONS;

5. CALLS UPON HOME COUNTRIES TO ADOPT STRICT MEASURES AGAINST ACTS OF BRIBERY COMMITTED BY THEIR NATIONALS OR CORPORATIONS ABROAD, INCLUDING THE ADOPTION OF REGULATIONS FOR DISCLOSURE OF FINANCIAL CONTRIBUTIONS MADE BY SUCH CORPORATIONS OR THEIR INTERMEDIARIES IN HOST COUNTRIES;

6. REQUESTS THE ECONOMIC AND SOCIAL COUNCIL TO DIRECT THE COMMISSION ON TRANSNATIONAL CORPORATIONS TO INCLUDE IN ITS PROGRAMME OF WORK THE QUESTION OF CORRUPT PRACTICES OF TRANSNATIONAL CORPORATIONS AND TO MAKE RECOMMENDATIONS ON WAYS AND MEANS WHEREBY SUCH CORRUPT PRACTICES CAN BE EFFECTIVELY PREVENTED;

7. INVITES THE RELEVANT GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS ASSOCIATED WITH THE UN SYSTEM, PARTICULARLY THE INTERNATIONAL CHAMBER OF COMMERCE TO ASSIST THE GOVERNMENTS CONCERNED IN THE FORMULATION OF ANTI-CORRUPTIVE MEASURES AGAINST TRANSNATIONAL AND OTHER CORPORATIONS;

8. REQUESTS ECOSOC TO SUBMIT A REPORT TO THE THIRTY-FIRST SESSION OF THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF THIS RESOLUTION;

UNQUOTE.

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